

RONALD E. COLEMAN, JR.,)	AGBCA No. 2001-175-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Ronald E. Coleman, Jr.)	
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)	
Representing the Government:)	
)	
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RULING ON BOARD’S JURISDICTION

November 1, 2001

Before HOURY, POLLACK, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge WESTBROOK.

This appeal was received at the Board September 28, 2001. It involves Solicitation No. RFP RMAST-01-114 for Maintenance Services at the Blackwell Job Corps Center, Laona, Wisconsin. The solicitation was issued by the U. S. Department of Agriculture (USDA), Forest Service, Golden, Colorado. Appellant is Ronald E. Coleman, Jr. of Rhineland, Wisconsin.

Appellant's letter of September 24, 2001, being treated by the Board as a Notice of Appeal, describes a situation in which Appellant responded to the above solicitation and was not awarded the resulting contract. He refers to "violations of the awarding of this maintenance contract" and to "the bidding process." He also makes mention of being told that the contract was awarded to someone else.

Upon receipt of this notice, the Board, on October 4, 2001, issued an amended version of its standard docketing letter. Therein, the Board stated that the matter did not appear to be one within its limited

jurisdiction and that before further proceedings were undertaken, it would determine whether the issues raised are within its limited jurisdiction. Both parties were provided the opportunity to address the jurisdictional issue. Both have responded.

Appellant has provided another long letter describing "the awarding of the maintenance services contract at the Blackwell Job Services Center." Appellant's letter clearly indicates he is appealing the fact that he was not awarded a contract for which he was an offeror. It also shows that he has no current contract with an agency of USDA.

In response to the Board's letter, the Government filed a Motion to Dismiss for Lack of Jurisdiction. Respondent cited many examples of language in Appellant's September 24 letter, Notice of Appeal, employing language indicative of dissatisfaction with not having been awarded a contract.

The Board has jurisdiction of four types of appeals: (1) Contract Disputes Act of 1978 (CDA) (41 U.S.C. §§ 601-613); (2) Federal Crop Insurance Corporation; (3) Suspension and debarment; and (4) Contract Work Hours Safety Standards Act. Clearly this matter is a contract matter. To determine whether jurisdiction lies here, examination of the Board's CDA jurisdiction is necessary. The Act grants agency boards of contract appeals jurisdiction to decide appeals from decisions of contracting officers relative to a contract made by its agency. 41 U.S.C. § 607(d). The Board's jurisdiction to consider appeals from adverse decisions of contracting officers is premised on the existence of a contract between the appealing party and an agency of the U.S. Department of Agriculture. Le Prix Electrical Distributors, Ltd., AGBCA No. 81-218-1, 81-2 BCA ¶ 15,389; Hecht Co., AGBCA No. 80-157-1, 81-1.BCA ¶ 15,318. Appellant has no existing contract with an agency of USDA. The entire thrust of his appeal lies with his disappointment in not having been awarded the maintenance contract at the Blackwell Job Corps Center.

Appellant's claim amounts to a bid protest. The Board has no jurisdiction to decide a bid protest. Ardco, Inc., AGBCA Nos. 94-101-1, 94-102-1, 94-103-1, 94-2 BCA ¶ 26,702; Sho-Ge, AGBCA No. 89-156-1, 89-2 BCA ¶ 21,675. Lacking jurisdiction to decide the issues raised by Appellant's notice of appeal, the Board must dismiss the appeal.

RULING

The appeal is dismissed for lack of jurisdiction.

ANNE W. WESTBROOK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D.C.
November 1, 2001